

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 253**

**Introduced by Assembly Member Steinberg**

February 4, 2003

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An act to add Sections 1276.41 and 1276.42 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 253, as amended, Steinberg. Health facilities: nurse-to-patient ratios.

Existing law relating to the regulation of health facilities requires the State Department of Health Services, by January 1, 2002, to adopt specified regulations with respect to licensed nurse-to-patient ratios for specified health facilities, including acute care hospitals.

This bill would require the department to ensure compliance with these licensed nurse-to-patient ratios by taking specified measures when an acute care hospital is not in compliance. *This bill would also authorize the department to assess fines, as prescribed, against those facilities that violate these provisions.* This bill would ~~also~~ require the department to issue a report to the Legislature 5 years after the establishment of licensed nurse-to-patient ratios that includes information and criteria based on actual practice and standards of practice for licensed nurses and an assessment of the implementation and compliance with nurse-to-patient ratio requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) State law providing for licensed nurse-to-patient ratio requirements was enacted to ensure that all acute care hospitals in the state provide the highest level of safe, therapeutic, and effective patient care.

(b) The State Department of Health Services has undergone a three-year process of examining current nursing practice standards and hospital staffing patterns and of conducting extensive research regarding the relationship between safe nursing staff levels and positive outcomes for patients. This process established the specific, numerical ratios for safe, licensed nurse-to-patient ratios in all units in general acute care facilities throughout the state.

(c) It is among the highest health care service priorities that acute care hospitals comply with these staff ratios to benefit and protect patients.

(d) To ensure compliance with these ratios, additional and flexible enforcement mechanisms should be provided to the department when hospitals fail to comply with the law.

(e) The study is necessary to establish ratios that include both the best case nursing practices and measurements for patient outcomes that reflect the experience of nurses and patients in acute care facilities.

SEC. 2. Section 1276.41 is added to the Health and Safety Code, to read:

1276.41. (a) The department shall ensure compliance with Section 1276.4 by unannounced and announced inspections as well as any other method deemed necessary, if consistent with law or regulation, to ensure safe, therapeutic, and effective patient care.

~~(b) If an acute care hospital is not in compliance with Section 1276.4, the department may do any or all of the following:~~

~~(1) Cite the hospital and require immediate corrective action.~~

~~(2) If immediate corrective action is not taken, assess a fine against the hospital of \_\_\_\_\_ (\$\_\_\_\_\_) for each finding of noncompliance.~~

~~(3) If immediate corrective action is not taken and if the department finds that the noncompliance creates a risk to patient~~

~~safety, order that any unit or units not in compliance be shut down. Patients located in these units shall be transferred to appropriate units based on acuity and staff levels either within the same hospital or transferred to another facility. No patients may be transferred or admitted to a new unit without the approval of the department.~~

~~(4) Implement any other remedy available under current law and regulation; provided by Section 1279 and existing procedures for the filing of complaints if there is a violation of Section 1276.4 as provided in this article.~~

*(b) If the department issues a notice of deficiency and the acute care hospital files a plan or correction, the department shall visit the hospital to ensure compliance with the plan of correction to the extent that resources can be allocated for this purpose.*

*(c) If the department determines that a hospital has not complied with the licensed nurse-to-patient ratios required under Section 1276.4 or a plan of correction, the department may assess intermediate, initial fines of one thousand dollars (\$1,000) per day, per facility until the hospital is in compliance with the licensed nurse-to-patient ratios or the plan of correction. If the department determines that a subsequent complaint involves a prior plan of correction in the same unit of a hospital, the department may assess intermediate fines of five thousand dollars (\$5,000) per day until the hospital is in compliance with the plan of correction.*

*(d) It is the intent of the Legislature that funds derived from any fines collected pursuant to this section be used by the departments Licensing and Certification Division for hospital inspections.*

*(e) If a hospital has not complied with a plan of correction and the department does not assess an intermediate fine, the department shall issue a statement of reason to the hospital and to the individual or entity that made the complaint.*

*(f) The notice of deficiency along with any plan of correction that is submitted by the hospital and approved by the department shall be posted in the nurse's station or designated nurses' area until the time that the plan of correction has been the subject of compliance.*

SEC. 3. Section 1276.42 is added to the Health and Safety Code, to read:

1 1276.42. (a) The department shall submit a report to the  
2 Legislature five years after the establishment of licensed  
3 nurse-to-patient ratios.

4 (b) The report required by subdivision (a) shall include both of  
5 the following:

6 (1) Information and criteria based on actual practice and  
7 standards of practice for licensed nurses.

8 (2) An assessment of the implementation and compliance with  
9 the nurse-to-patient ratio requirements.

10 (c) In preparing the report, the department shall consult with  
11 the Office of Statewide Health Planning and Development  
12 (OSHDPD) in order to review relevant hospital data.

